



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Gerrit KOPPERT

Application No.: 10/625,628

Filed: July 24, 2003

For: RAPHANUS WITH INCREASED ANTHOCYANIN LEVELS

Art Unit: 1638

Examiner: K. Robinson

Washington, D.C.

Atty.'s Docket: KOPPERT1A

Date: February 23, 2006

Confirmation No. 9050

THE COMMISSIONER OF PATENTS  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

**1638**

Transmitted herewith is a [XX] **REPLY: AMENDMENT AND REMARKS** in the above-identified application.

[XX] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] Terminal Disclaimer Fee \$65.00.

[ ] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 13	MINUS	** 25	0
INDEP.	* 2	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
\$	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 60.00
- [ ] Second - \$ 225.00
- [ ] Third - \$ 510.00
- [ ] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 120.00
- [ ] Second - \$ 450.00
- [ ] Third - \$ 1020.00
- [ ] Fourth - \$ 1590.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for \_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 65.00.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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ATTY.'S DOCKET: KOPPERT=1A

In re Application of:	)	Art Unit: 1638
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Gerrit KOPPERT	)	Examiner: K. Robinson
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Appln. No.: 10/625,628	)	Confirmation No. 9050
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Date Filed: July 24, 2003	)	Washington, D.C.
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For: RAPHANUS WITH INCREASED...	)	February 23, 2006

**REPLY: AMENDMENT AND REMARKS**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Replying to the Office Action mailed December 29,  
2005, please amend as follows:

**Amendments to the Claims** are reflected in the listing of  
claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

**Attachments:** Terminal Disclaimer following page 16 of this  
paper.